

HONORABLE DAVID G. ESTUDILLO

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COLUMBIA RIVERKEEPER,

Plaintiff,

v.

WEYERHAEUSER NR COMPANY,

Defendant.

Case No. 3:22-cv-05132-DGE

JOINT MOTION FOR ENTRY
OF CONSENT DECREE

NOTE ON MOTION CALENDAR:
June 24, 2022

Plaintiff Columbia Riverkeeper (“Riverkeeper”) and Weyerhaeuser NR Company (“Weyerhaeuser”) have agreed to settle this case. Accordingly, Riverkeeper and Weyerhaeuser (collectively, the “Parties”) hereby jointly move the Court to enter the proposed Consent Decree filed herewith after the conclusion of the waiting period imposed by the Clean Water Act (“CWA”).

Riverkeeper filed this action under the citizen suit provision of the CWA, 33 U.S.C. § 1365, alleging that Weyerhaeuser is in ongoing violation of the National Pollutant Discharge Elimination System permit applicable to Weyerhaeuser’s facility located at or near 1999 Industrial Way, Longview, Washington 98632. Weyerhaeuser contends that Riverkeeper’s claims are without merit, denies Riverkeeper’s allegations of ongoing violations, denies liability

1 for all claims alleged in Riverkeeper's complaint, and contends that Riverkeeper is not entitled to
2 any relief whatsoever. In the interests of resolving this dispute without further litigation and
3 without trial, adjudication, or admission of any issues of fact or law, the Parties have now agreed
4 to settle this matter, and the proposed Consent Decree filed herewith memorializes the Parties'
5 agreement. The Parties now request entry of their proposed Consent Decree as an order of the
6 Court because it is fair, reasonable, equitable, and does not violate the law or public policy, and
7 it comes within the scope of the pleadings and furthers the broad objectives upon which
8 Riverkeeper's Complaint is based. *Sierra Club, Inc. v. Elec. Controls Design, Inc.*, 909 F.2d
9 1350, 1355 (9th Cir. 1990).

11 The Consent Decree may not be entered as an order of the Court until forty-five days
12 after receipt of it by both the Administrator of the U.S. Environmental Protection Agency and the
13 U.S. Attorney General. *See* 33 U.S.C. § 1365(c)(3); 40 C.F.R. § 135.5. Accordingly, after filing
14 this motion, counsel for Riverkeeper will serve copies of the proposed Consent Decree on the
15 U.S. Attorney General, the Administrator of the U.S. Environmental Protection Agency, and the
16 Administrator of Region 10 of the U.S. Environmental Protection Agency. The noting date for
17 the Court's consideration of this matter has been scheduled accordingly.

19 For the foregoing reasons, the Parties respectfully request entry of their proposed Consent
20 Decree, filed herewith, as an order of the Court.

22 RESPECTFULLY SUBMITTED this 9th day of May 2022.

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